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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER DENNISON, JERRY B				
ART UNIT		PAPER NUMBER		
2143				

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,602

Applicant(s)

WILSON, ANDREW W.

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Amendment for Application Number 09/809,602 received on 25 July 2005.
2. Claims 1-27 are presented for examination.

Claim Objections

Claim 4 is objected to because of the following informalities: Claim 4 includes the limitation "wherein the signals from the master initiator is...". Examiner will interpret the claim as "wherein the signals from the master initiator are". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 13, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1 and 21 recites the limitation, "determining if a previously registered target re-registered with the master initiator". It is unclear to Examiner why an already registered target would register again.

4. Claim 2 recites the limitation, "A method for peripheral device discovery on a network as recited in claim 1". There is insufficient antecedent basis for this limitation in the claim.

5. Claim 4 recites the limitation, "the signals". There is insufficient antecedent basis for this limitation in the claim.

6. Claim 7 recites the limitation, "wherein each of the other initiators requests target information contained in the signal...and no new target information is received in connection with the next multicast". It is unclear to Examiner why the other initiators would request the target information if it is already contained in the signal. It is also unclear to Examiner how a request could be made if there is no new target information.

7. Claim 13 recites the limitation, "A method for peripheral device discovery on a network as recited in claim 11". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-13, and 15-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Caronni et al (U.S. Patent Number 6,049,878).

8. Regarding claims 1, 11, 21, and 23, Caronni teaches a method for target device discovery on a network, comprising:

multicasting a signal from a master initiator over the network (Caronni, col. 7, lines 6-10);

determining if a previously registered target re-registered with the master initiator by a unicast to the master initiator (Caronni, col. 4, lines 55-57, col. 7, lines 23-40);

maintaining the previously registered target on a list of active targets connected to the network (Caronni, col. 7, line 30, col. 8, lines 20-33, Caronni disclosed that the key management system keeps track of all the participants and the keys that they know of, where the participant is registered by its IP address as its ID); and

sending out a next multicast with information regarding the previously registered target to notify other initiators to maintain the previously registered target on the list of targets (Caronni, col. 7, lines 40-50).

Claims 11, 21, and 23 include limitations that are substantially similar to the limitations of claim 1, and are therefore rejected under the same prior art used in the rejection of claim 1 as being substantially similar. Claims 21 and 23 also include sending out the multicast continually at a predetermined interval (Caronni, col. 7, lines 11-13).

9. Regarding claim 2, Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the other initiators maintain the previously registered target on initiator target lists in response to the next multicast (Caronni, col. 7, lines 55-65).

10. Regarding claim 4, Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the signals from the master initiator is in a form of master identification packets (Caronni, col. 7, lines 5-15, col. 8, lines 1-5).

11. Regarding claim 5, Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the next multicast has a sequence number greater by one than a previous sequence number (Caronni, col. 7, lines 18-20, col. 8, lines 5-7, 15-17).

12. Regarding claim 6, Caronni disclosed the limitations, substantially as claimed, as described in claim 5, including wherein each of the other initiators determines if the signal has been missed by comparing information included within the signal with information contained within the next multicast (Caronni, col. 7, lines 15-23, col. 8, lines 1-20).

13. Regarding claim 7, Caronni disclosed the limitations, substantially as claimed, as described in claim 6, including wherein each of the other initiators requests target

information contained in the signal when the sequence number of the next multicast is greater than the previous sequence number of the signal and no new target information is received in connection with the next multicast (Caronni, col. 10, lines 1-15).

14. Regarding claim 8, Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the sending out occurs on a periodic basis (Caronni, col. 7, lines 10-12).

15. Regarding claims 9, Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the network is one of an iSCSI network, an eSCSI network, a TCP/IP network, and an Ethernet network (Caronni, col. 5, lines 20-25, col. 8, lines 1-5, Caronni disclosed using a conventional internet protocol network, which includes TCP/IP).

16. Regarding claim 10, Caronni disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the previous registered target re-registers by unicasting information to the master initiator on a periodic basis (Caronni, col. 7, lines 5-40).

17. Regarding claim 15, Caronni disclosed the limitations, substantially as claimed, as described in claim 11, including wherein the device identification number is a global unique identification (GUID) number (Caronni, col. 7, line 30).

18. The limitations of claims 11-13 and 16-22 are covered in the above rejection of claims 1, 2, and 4-10. Therefore claims 11-13 and 16-27 are rejected by the same art as claims 1, 2, and 4-10.

19. Claims 23-27 include a system performing the same limitations of claims 1, 2, and 4-10, and are therefore rejected by the same art as claims 1, 2, and 4-10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caronni in view of Matsuda et al. (U.S. Patent Application Publication 2002/0133573).

20. Regarding claims 3 and 14, Caronni disclosed the limitations, substantially as claimed, as described in claims 1 and 11. Caronni did not explicitly state wherein the master initiator is elected by comparing device identification numbers of a plurality of initiators connected to the network, the master initiator having the highest device identification number. In an analogous art, Matsuda disclosed server identification in which the system is capable of managing which server will be designated the master

server based on which server has the highest priority (Matsuda, page 5, paragraphs 47 and 48). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate designating a master server based on priority into the teachings of Caronni to provide a system in which devices are capable of automatically configuring themselves for network operation when placed in a network environment that lacks designated administrator (Matsuda, page 2, paragraph 15).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.


In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

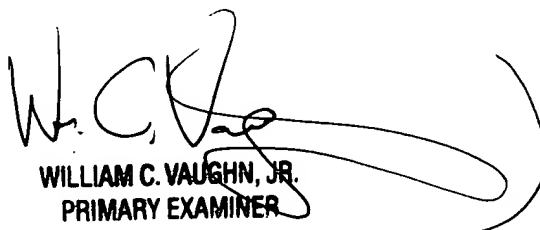
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Art Unit 2143


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